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ATTORNEY DOCKET NO.: EMC03-24(03122)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

16018 U.S. PTO
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Applicant(s): Qing Guo
Serial No.: Unassigned
For: METHODS AND APPARATUS FOR MEASURING NETWORK
PERFORMANCE
Filing Date: December 30, 2003
Examiner: Unassigned
Art Unit: Unassigned

UTILITY PATENT APPLICATION TRANSMITTAL

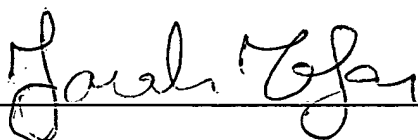
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: **MAIL STOP PATENT APPLICATION**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

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MAIL STOP PATENT APPLICATION

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith for filing is a patent application entitled:

METHODS AND APPARATUS FOR MEASURING NETWORK PERFORMANCE

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Named Inventor(s) / Inventor Address(es) / Inventor Citizenship(s):

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Enclosed is/are:

- [x] Transmittal Letter including fee calculations (this form, 3 pages, in duplicate), Total Pages: 6;
- [x] REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i); Total Pages: 1;
- [x] Utility Patent Application including 36 Claims (4 Independent, 32 dependent), Total Pages: 44;
- [x] Drawings: [x] Formal, [] Informal (Figs. 1, 2, 3, 4, 5, 6, 7, 8), Total Sheets: 8;
- [x] Unexecuted Oath/Declaration/Power Of Attorney, Total Pages: 3;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2.

| CLAIMS | Number Filed | Number Extra | Rate | Calculations |
|--|--------------|--------------|---------|-------------------|
| Total Claims | 36-20 = | 16 | x \$18 | \$288.00 |
| Independent Claims | 4-3 = | 1 | x \$86 | \$86.00 |
| Multiple Independent Claims | | | + 280 = | \$0.00 |
| BASIC FILING FEE = | | | | \$770.00 |
| TOTAL FEE FOR THIS PATENT APPLICATION = | | | | \$1,144.00 |

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Please direct all telephone calls and address all correspondence to:

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If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

By: 

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Attorney Docket No.: EMC03-24(03122)

Dated: December 30, 2003

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| | | | |
|--|----------------------|--|-----------------|
| REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | | Qing Guo |
| | Title | METHODS AND APPARATUS FOR MEASURING NETWORK PERFORMANCE | |
| | Atty. Docket Number | | EMC03-24(03122) |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 30, 2003

Date


Signature

Barry W. Chapin, Esq.

Type or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 35 U.S.C. 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington DC 20231.**